

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 3, 1998  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:09 p.m.

Diane Norman of IT&C gave a special presentation on the City's new "Just Call System" which is being implemented today. This is an automated telephone service to provide the public with answers to the most frequently asked questions. It will be available seven days a week, 24 hours a day, and will have disabled access.

Mayor Golding adjourned the meeting at 7:17 p.m. to meet in Closed Session in the twelfth floor committee room at 7:25 p.m. for conference with Real Property Negotiator - property acquisition, in the matter of authorizing the City Manager to negotiate with a designated representative from the San Diego Padres regarding real property interest at Qualcomm Stadium and the South Embarcadero area in the City of San Diego.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Wear-present  
(3) Council Member Kehoe-present  
(4) Council Member Stevens-present  
(5) Council Member Warden-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Minister John Smith,  
Canyon View Church of Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
McCarty.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding spending other people's money. His message for local elected officials is to stop spending other people's money without their consent because someone has to be taxed to pay for it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-086.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Jolaine Harris regarding the art project for Oak Park Community and the widening of College Grove Drive. She referred to the article that appeared in the paper about "more costly items to be bulldozed from street project" and explained what had happened in the community with the selection of the benches as the art project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A087-132.)

ITEM-PC-3:

Comment by Forrest Curo about homeless issues and the continuing lack of a safe, legal area for the homeless to stay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-144.)

ITEM-PC-4:

Comment by Roger Scott regarding the homeless protest. He said he is staying downstairs until something is done. He believes there is a solution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-171.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Dave Thompson commented on the rules for protests. He is part of the homeless protest at the Civic Center and he asked to have the rules for protests explained to him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A172-202.)

ITEM-PC-6: REFERRED TO CITY MANAGER

Arthur Allen commented on dangerous pedicabs operating in San Diego. He said there is a type of pedicab made in Mexico that is being used here which is basically a trailer that attaches to the back of a bike with one bolt. Not only are the brakes inefficient but the pedicab manual even says not to ride on slopes. There have already been accidents here with these type of bikes and there will be more. He is seeking direction as to how to regulate this business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A204-235.)

ITEM-PC-7:

Comment by Michael Williams regarding Park Bay Diagonal. He said this is an idea he supports of linking Park Boulevard with the Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A236-267.)

ITEM-PC-8:

Comment by Billy Paul thanking the City for having the utilities along Clairemont Drive undergrounded. He said this beautifies the community; takes away the wall of wires along the major thoroughfares; and enhances the community dramatically.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A271-288.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas expressed his appreciation for art. However, he said the CIP project for Oak Park was about \$4,000,000, with about \$775,000 for art projects, and he could not support that amount being spent for art.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A360-375.)

ITEM-CC-2:

Council Member Warden announced that on Saturday her father officiated at the marriage of her youngest son, Gregory, to Robin Eager.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A377-382.)

ITEM-CC-3:

Council Member McCarty commented on College Drive and the public comment made by Ms. Harris regarding the art. She asked staff about the benches and the curving wall with art work and what is being done. She said she does not want the project stripped of all its attractiveness.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A383-398.)

ITEM-CC-4:

Council Member Stevens said an apology is owed to the people of Oak Park Community. The people did not have the cost when they selected the art items. This is a park and should be a place of beauty.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A399-434.)

ITEM-CC-5:

Council Member Stallings said the negative comments regarding Oak Park were not against the people in the community but against City staff handling of this project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A442-456.)

ITEM-CC-6:

Council Member Kehoe said the Park and Recreation Volunteer Night in Balboa Park was a great event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A457-464.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/6/98 Adjourned  
7/7/98 Adjourned  
7/13/98 Adjourned  
7/14/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A465-468.)

MOTION BY WARDEN TO APPROVE THE MINUTES. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Women's Equality Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-143) ADOPTED AS RESOLUTION R-290533

Recognizing the outstanding contributions that generations of American women have added their vision and voices to the national discourse;

Proclaiming August 26, 1998 to be "Women's Equality Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A469-579, B196-201.)

MOTION BY WEAR TO ADOPT THE RESOLUTION. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Support for Connect South Bay.

COUNCILMEMBER VARGAS'S AND INTERGOVERNMENTAL RELATIONS  
DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-99-149) ADOPTED AS RESOLUTION R-290534

Supporting the timely completion of State Route 905 and State Route 125 and supporting the efforts of Connect



South Bay to promote the completion of these two roads, and urging all levels of government to fully cooperate and expedite the necessary approvals for the construction of both projects.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-201.)

MOTION BY WEAR TO ADOPT THE RESOLUTION. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33 RECOGNIZED

Recognizing the outstanding contributions made by volunteers in the Park and Recreation Department of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A581-B060.)

ITEM-34: RECOGNIZED

Recognition of the City of San Diego Lifeguard Competition Team for the National Championship to be held in Chicago on August 7 and 8, 1998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B062-133.)

ITEM-35:

SUBJECT: Declaring August 9-16, 1998 as Fleet Week in the City of San Diego.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-167)            ADOPTED AS RESOLUTION R-290535

Declaring August 9-16, 1998 as Fleet Week in the City  
of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Tape location: B138-201.)

MOTION BY WEAR TO ADOPT THE RESOLUTION. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50:

**SUBJECT:** Service Worker Retention Ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/20/98.  
(Council voted 6-3. Councilmembers Warden, McCarty, and Mayor  
Golding voted nay):

(O-98-137)            ADOPTED AS ORDINANCE O-18552 (New  
Series)

Amending Chapter II, Article 2, of the San Diego  
Municipal Code by adding Division 28 pertaining to  
Service Worker Retention.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

\* ITEM-51:

**SUBJECT:** Refuse Collector Business Tax.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/20/98.  
(Council voted 9-0):

(O-98-150) ADOPTED AS ORDINANCE O-18553 (New Series)

Amending Chapter III, Article 1, of the San Diego Municipal Code by amending Section 31.0306 relating to Refuse Collector Business Tax.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-52:

**SUBJECT:** Repealing Sections 56.19 and 56.45 of the San Diego Municipal Code.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/20/98.  
(Council voted 7-1 [Councilmember Stevens voted nay, Mayor

Golding not present] to repeal Section 56.19. Council voted 8-0  
[Mayor Golding not present] to repeal Section 56.45):

(O-98-149 Cor. Copy) ADOPTED AS ORDINANCE O-18554  
(New Series)

Repealing Sections 56.19 and 56.45 of the San Diego  
Municipal Code, relating to Appearance in Apparel  
Customarily Worn by the Opposite Sex; and relating to  
Marathon Contest - Prohibited.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Warden. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-53:

SUBJECT: Amending Section 84.12 of the San Diego Municipal Code  
Relating to Skateboarding on City Schools Property.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
7/20/98. (Council voted 9-0):

(O-98-154) ADOPTED AS ORDINANCE O-18555 (New Series)

Amending Section 84.12 of the San Diego Municipal Code  
by adding Section 84.12(E), relating to Skateboarding,  
Roller-Blading, and Roller-Skating on School District  
Property.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

SUBJECT: Amending the Master Installment Purchase Agreement and the Indenture for the Public Facilities Financing Authority Sewer Revenue Bonds.

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/20/98. (Council voted 9-0):

(O-99-10) ADOPTED AS ORDINANCE O-18556 (New Series)

Adoption of an Ordinance, pursuant to Section 99 of the City Charter, approving the form of a Fourth Supplemental Indenture and approving the form of and authorizing the execution and delivery of a 1998-1 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing, and approving other actions in connection herewith.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-55:

**SUBJECT:** Two actions related to Proposed Amendments to the Las Flores Apartments and Summerset Village Apartments Multifamily Housing Revenue Bonds.

(Districts-1 & 5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 7/21/98. (Council voted 9-0):

Subitem-A: (O-98-152)      ADOPTED AS ORDINANCE O-18557 (New Series)

Authorizing certain amendments to and a remarketing of the \$27,235,000 Multifamily Housing Refunding Revenue Bonds, 1991 Issue A, (Las Flores Apartments), and prescribing certain related matters; approving and authorizing the execution of related documents, agreements, and actions.

Subitem-B: (O-98-151)      ADOPTED AS ORDINANCE O-18558 (New Series)

Authorizing certain amendments to and a remarketing of the \$33,800,000 Variable Rate Demand Multifamily Housing Revenue Bonds, Issue E of 1985 (Lusk Mira Mesa Apartments, now known as Summerset Village Apartments), and prescribing certain related matters; approving and authorizing the execution of related documents, agreements, and actions.

FILE LOCATION: SUBITEMS A AND B: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-56:

SUBJECT: Amending the San Diego Municipal Code, Permanent Rules of Council, Regarding Public Comment (Communication on Non-Agenda Items.)

CITY CLERK'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-16) FAILED

Amending the San Diego Municipal Code by amending Chapter II, Article 2, Division 1 by amending Section 22.0101 Relating to Permanent Rules of the Council.

CITY CLERK SUPPORTING INFORMATION:

The State of California Open Meeting Law, commonly referred to as the Brown Act, states that "every agenda for regular meetings" of the legislative body "shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda...". (California Government Code Section 54954.3a) The legislative body may adopt reasonable guidelines limiting the total amount of time allocated for public testimony on particular

issues, and for each individual speaker (Government Code Section 54954.3b). Prior to December 1991, Rule 3 placed the order of Public Comment just before Adjournment of regularly scheduled Council meetings of Monday and Tuesday. We recommend returning the Public Comment portion of the meetings to that time, and renaming the activity to "Communication on Non-Agenda Items" to eliminate confusion that occasionally arises with public speakers. There have been an increasing number of non-agenda item speakers recently, often greatly delaying the conduct of business of the City Council. This creates a long wait for members of the public who have come to Council meetings to make comments in response to noticed hearings and other activities which have a major effect on the lives of city residents. In addition, City personnel who are present for scheduled items often use many hours of personnel time, paid at taxpayers expense, waiting for these items to be addressed. We have also found that many of the non-agenda comments are on items which have already been heard by the Council or a Council Committee, are scheduled to be heard at a later date, are not properly under the jurisdiction of the City Council, or have been presented by the same speaker several times previously. We certainly do not wish to curtail the legitimate right for non-agenda comment. Placing this item after the regularly scheduled items still complies with all aspects of the Brown Act, both in terms of legality and spirit of the law. We have surveyed other cities and found that the other large cities in California (Los Angeles, San Francisco, and San Jose) all have their non-agenda comments (sometimes called Oral Comment) at the end of their scheduled items. San Diego County cities are split between having non-agenda items at the beginning or end of the scheduled items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F389-H048)

Motion by Stallings to have non agenda comments from five people total at the beginning of the meeting, priority to be given to people with disabilities, and the remainder of the non agenda comments at the end of the meeting. Council comment also to be moved to the end of the meeting. Second by Wear.



SUBSTITUTE MOTION BY VARGAS TO INTRODUCE THE ORDINANCE AND PUT NON AGENDA COMMENTS AT THE END OF THE MEETING, WITH COUNCIL COMMENTS FOLLOWING THEM. NON AGENDA COMMENTS BY PERSONS WITH DISABILITIES COULD BE TAKEN AT THE BEGINNING OF THE MEETING, AT THE DISCRETION OF THE MAYOR. Second by Mathis. Failed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-nay, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

Vote on Motion by Stallings. Failed. Yeas-1,2,6.  
Nays-3,4,5,7,8,M. Not Present-None

Motion by Stevens to leave the non agenda comments as they are at the beginning of the meeting. Second by Kehoe. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-nay.

\* ITEM-100:

**SUBJECT:** Awarding a Contract to Sim J. Harris for Asphalt Concrete.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-38) ADOPTED AS RESOLUTION R-290536

Accepting the low bid and awarding a contract to Sim J. Harris Co., d.b.a. South Coast Materials Co. (San Diego), for furnishing asphalt concrete, as may be required for a period of one year beginning July 1, 1998 through June 30, 1999, for a total estimated cost of \$1,014,703.06, with options to renew the contract for four additional one year periods, with price escalations not to exceed 5 percent of prices in effect at the end of each prior contract year;

Authorizing the expenditure from Fund No. 50015,  
Department No. 810, Organization No. 5099, Object  
Account No. 3231, and Job Order No. 009001;

Authorizing the Auditor and Comptroller, upon advice  
from the administering department, to transfer excess  
budgeted funds, if any, to the appropriate reserves.  
(BID-H6585/98)

**CITY MANAGER SUPPORTING INFORMATION:**

Asphalt concrete is used by the Street Division of the  
Transportation Department for maintenance of City streets, and by  
Water Operations Division of the Water Department for repairing  
portions of City streets excavated for work on water mains and  
lateral breaks. The contractor provides all labor, plant  
equipment, and materials for mixing aggregate and asphalt binder  
at a central mixing plant. The mixture is then loaded into City  
trucks or rental trucks at the plant or at a satellite storage  
facility.

In addition, the successful bidder will dispose of the City's  
demolition asphalt and concrete materials at no additional cost  
to the City. Six potential bidders were contacted; one bidder  
responded. It is recommended that the contract be awarded to Sim  
J. Harris Co., d.b.a. South Coast Materials Co., the sole bidder.  
The most recent purchase of asphalt was from Sim J. Harris Co.,  
for Section I. The proposed bid prices are approximately 9  
percent below the previous contract price. Section II - Cold mix  
and super cold mix asphalt was previously purchased from Calmat  
at an estimated annual contract price estimated at \$307,614. The  
proposed bid prices of Sim J. Harris are approximately 9 percent  
higher than the previous contract price with Calmat.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

**SUBJECT:** Inviting Bids for Construction of Balboa Park Security Lighting Upgrade - Phase II.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-02) ADOPTED AS RESOLUTION R-290537

Inviting bids for the construction of Balboa Park Security Lighting Upgrade - Phase II, on Work Order No. 218438;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$1,573,900 from CIP-21-384.0, Balboa Park/Mission Bay Park Improvement Program Fund No. 91106;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99004C)

**CITY MANAGER SUPPORTING INFORMATION:**

The Balboa Park Master Lighting Plan recommends the use of high pressure sodium lighting of Balboa Park for security considerations. This contract will complete the work recommended. The park was divided into areas to facilitate the

upgrading of park lighting from low pressure sodium (LPS) to high pressure sodium (HPS) lighting. The first phase has been completed. This project will complete the upgrading of existing lighting and provide additional lighting in unlit areas of the park.

This project includes the following areas: Balboa Drive from Upas Street to Marston Point (new lighting), Presidents Way (new lighting), Pepper Grove (new upgraded lighting), Reuben H. Fleet Parking Lot (upgraded lighting), parking lots east of Park Blvd. at Presidents Way (upgraded lighting), Zoo Drive and War Memorial Building (upgraded lighting), Golden Hill Playground Area (upgraded lighting).

Aud. Cert. 9801494.

FILE LOCATION: W.O. 218438

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-102:

**SUBJECT:** Two actions related to Approving the Final Subdivision Map of Jamacha VI.

(Skyline Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-93) ADOPTED AS RESOLUTION R-290538

Authorizing the execution of a Subdivision Improvement Agreement with RDW Jamacha Partners, for the installation and completion of public improvements.

Subitem-B: (R-99-92) ADOPTED AS RESOLUTION R-290539

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 1.277 acre site into 6 lots for residential development. It is located north of Jamacha Road in the Skyline Community Plan area. On June 24, 1993 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2010-PC for Jamacha VI. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 27667-1-D through 27667-4-D, filed in the Office of the City Clerk under Micro Number 139.12. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$87,587 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$1,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FILE LOCATION: SUBITEMS A AND B: SUBD-Jamacha VI

COUNCIL ACTION: (Tape location: E620-640.)

MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-103:

SUBJECT: Two actions related to Approving the Final Subdivision Map of Marston Point Place.

(Uptown Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-122) ADOPTED AS RESOLUTION R-290540

Authorizing the execution of a Subdivision Improvement Agreement with Carter Reese No. 5LLC, for the installation and completion of public improvements.

Subitem-B: (R-99-121) ADOPTED AS RESOLUTION R-290541

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 1.201 acre site into 4 lots for residential development. It is located west of Fifth Avenue and north of Ivy Street in the Uptown Community Plan area. On March 12, 1998 the Planning Commission of the City of San Diego approved Mid-City Planned District Permit No. 96-7209 for Marston Point Place. The City Engineer has approved the final

map and states that all conditions of the Vesting Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29195-1-D through 29195-5-D, filed in the Office of the City Clerk under Micro Number 139.79. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$133,500 and a Performance Bond in that amount has been provided as surety.

A cash bond in the amount of \$1,440, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.

FILE LOCATION: SUBITEMS A AND B: SUBD-96-7209(65)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

**SUBJECT:** Villa Madrid Townhomes Final Map.

(Uptown Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-119) ADOPTED AS RESOLUTION R-290542

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a .275 acre site into 1 lot for a 12 townhome residential development. It is located south of Robinson Avenue and east of Richmond Avenue in the Uptown Community Plan Area. All public improvements are existing, therefore no subdivision improvement agreement is required. The City Engineer has approved the final map. A cash bond in the amount of \$540, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: SUBD - Villa Madrid Townhomes (40)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

**SUBJECT:** Lot Line Adjustment and Easement Abandonment - Parcel Map W.O. No. 98-008.

(Miramar Ranch North Community Area. District-5.)



**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99128)            ADOPTED AS RESOLUTION R-290543

Approving Parcel Map W.O. No. 98-008, being a lot line adjustment of Lots 1 through 10 of Scripps Ranch North Unit No. 8, according to Map-13130.

**CITY MANAGER SUPPORTING INFORMATION:**

This property is located in the Miramar Ranch North Community Plan area, east of I-15 and north of Spring Canyon Road. This is a lot line adjustment parcel map which neither increases or decreases the number of dwelling units. The location of building restricted areas are being adjusted on this parcel map to accommodate minor modifications to the development. The modified development substantially conforms to previously approved Tentative Map TM-89-0550. Staff has reviewed these minor adjustments and recommends approval.

FILE LOCATION:            SUBD-Scripps Ranch North Unit No. 8,  
ID# 98-008

COUNCIL ACTION:            (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

**SUBJECT:** Lot Line Adjustment and Easement Abandonment - Parcel Map W.O. No. 98-009.

(Miramar Ranch North Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-129) ADOPTED AS RESOLUTION R-290544

Approving Parcel Map W.O. 98-009, being a lot line adjustment of Lots 30 through 37 of Scripps Ranch North Unit No. 8, according to Map-13130.

**CITY MANAGER SUPPORTING INFORMATION:**

The property is located in the Miramar Ranch North Community Plan area, east of I-15 and south of Scripps Poway Parkway. This is a lot line adjustment parcel map which neither increases or decreases the number of dwelling units. New building restricted easements are being granted on this parcel map to accommodate the modified development. Staff has reviewed these minor adjustments and recommends approval.

FILE LOCATION: SUBD-Scripps Ranch North Unit No. 8,  
ID# 98-009

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

**SUBJECT:** North Mission Valley Interceptor Sewer Phase II -  
Easement Set Aside.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-24) ADOPTED AS RESOLUTION R-290545

Setting aside for a drainage easement a portion of  
Pueblo Lots 1101 and 1102 of the Pueblo Lots of San  
Diego, according to Miscellaneous Map-32.

**CITY MANAGER SUPPORTING INFORMATION:**

Construction of the North Mission Valley Interceptor Sewer Phase II required the relocation of a storm drain, within an existing easement set-aside, in a portion of City-owned land. Relocation of the storm drain now requires an additional easement set-aside, therefore the City Manager recommends adoption of the resolution.

FILE LOCATION: DEED F-7296

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

**SUBJECT:** Easement Abandonment and Sale of City Interest - Slope  
Easement in Parcel 4 of Parcel Map PM-16970.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-120) ADOPTED AS RESOLUTION R-290546

Vacating the City's interest in a slope easement in Parcel 4 of Parcel Map PM-16970;

Accepting \$94,528 as full payment for the City's interest in the easement;

Authorizing the City Manager to execute a quitclaim deed for the City's interest in the slope easement.

**CITY MANAGER SUPPORTING INFORMATION:**

SYG Venture General Partnership has requested the abandonment of a slope easement in order to develop their property. The easement is no longer needed. It was granted to the City through interest passed to it by the State of California by a document recorded January 4, 1974, at no cost to the City. Staff review of the vacation indicates that the required four findings of abandonment can be made and recommends that this easement be summarily abandoned.

**FINDINGS:**

1. There is no present or prospective use for the easement, either for the public easement system or for any other public use of like nature.
2. The public will benefit from the vacation through improved utilization of the land.
3. The vacation is consistent with the approved Community Plan.
4. The public easement system for which the easement was originally acquired will not be detrimentally affected by this vacation.

The appraised value of the slope easement is \$94,528. The appraisal was by Robert Caringella, MAI, and is dated December 8, 1997. The methodology, selection and analysis of data, and value conclusion were reviewed by the City's Valuation Division. The property owner has deposited \$94,528 into City Trust Account

(Fund 63021; Account 9022), to be transferred to the General Fund following authorization of the abandonment and sale of the slope easement.

FILE LOCATION: DEED F-7297

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Transfer of Right-of-Way, Sycamore Canyon Road.

(District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-20) ADOPTED AS RESOLUTION R-290547

Transferring to the County of San Diego an easement for public street purposes through, over and across portions of Sections 20 and 21, Township 14 South, Range 1 West, San Bernardino Base and Meridian, within the limits of the City of San Diego, as shown on Road Survey No. 1137 - Beeler Canyon Road (former name), Map-11179-2A-D, accepted by Resolution R-0181253;

Authorizing the initial one-time payment of \$20,000 from Fund 10440, Dept. No. 940, Org. 2505, Account No. 4209, Job Order No. 00560, by the Transportation Department/Street Division to the County of San Diego for the transfer of the City portion of the Sycamore Canyon Road right-of-way to the County of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

The subject section of Sycamore Canyon Road lies between the City of Poway (at Beeler Canyon Road) and the County maintained area near the Sycamore Canyon County Open Space Reserve. This road is unimproved and only serves the residences outside the City of San Diego. The County plans to pave this road to improve access to the Open Space Park and area residences. This section of road is expensive for the City to maintain because it is so remote from other City-maintained streets. Due to this fact, it makes sense for the County to take over the maintenance and repair associated with this segment of Sycamore Canyon Road.

In light of the reasons outlined above, the Street Division agreed to make a one-time \$20,000 payment to assist the County with the improvement project contingent upon the County taking over future responsibility for the maintenance of Sycamore County Road. The requirements for proceeding with a transfer of a street right-of-way are defined in California Streets and Highways Code commencing at Article 3, "Extension of County Highways Through Cities," Section 1700 et seq. It is necessary in such a case for the County Board of Supervisors, by a four-fifths vote, to adopt a resolution declaring that the portion of Sycamore Canyon Road lying within the City of San Diego become a County highway for the purpose of "acquisition of rights-of-way, construction, maintenance, improvement or repair." The County passed this resolution on 6/9/98. In order for the County Board of Supervisor's resolution to become effective, the City Council must consent to the action by adopting the resolution outlined in this document.

Aud. Cert. 9900019.

FILE LOCATION: DEED F-7298

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

**SUBJECT:** Grant Application to the State of California, Trade and  
Commerce Agency, for the California Defense Adjustment  
Matching (CDAM) Grant Program.

(District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-138) ADOPTED AS RESOLUTION R-290548

Authorizing the application and execution of a Grant  
from the State of California, Trade and Commerce  
Agency, for the California Defense Adjustment Matching  
(CDAM) Grant Program, including any amendments.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 1998, the City received a grant in the amount of  
\$186,000 from the Department of Defense's Office of Economic  
Adjustment. The purpose of that grant was to provide for  
planning and reuse of the Naval Training Center (NTC) San Diego.  
The City has adopted the Draft Reuse Plan and prior to the  
transfer of the property, the Economic Development Conveyance  
(EDC) must be completed. This grant in the amount of \$130,350  
will provide for staff of the Community and Economic Development  
Department to continue the preparation of the Economic  
Development Conveyance (EDC) and Public Benefit Conveyance (PBC)  
applications for the Naval Training Center property. It would  
also provide engineering staff to continue the utility conversion  
ownership transfer process from the Navy to the City.

**FILE LOCATION:** MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: San Carlos Branch Library Fund.

(San Carlos Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-137) ADOPTED AS RESOLUTION R-290549

Authorizing the City Manager to execute the San Carlos Branch Library Fund with proceeds to be used to fund improvements for the proposed San Carlos Branch Library, including but not limited to site preparation, design, construction, landscaping and the purchase of furnishings, fixtures, equipment, supplies, and library materials;

Authorizing the Auditor and Comptroller to establish a trust fund account to handle the accounting for the San Carlos Branch Library Fund to facilitate the process of receiving donations for the proposed facility.

CITY MANAGER SUPPORTING INFORMATION:

It has been proposed that a new branch library for the San Carlos Community be constructed. The San Carlos Friends of the Library have made a commitment to assist the Library Department with a fund-raising campaign to help build a new branch library. This



request will establish a trust account in the name of the San Carlos Branch Library Fund to facilitate the process of receiving private gifts for a new building. The proceeds of the fund and all earned interest will be used exclusively to fund improvements including, but not limited to site preparation, design, construction, landscaping plus the purchase of furnishings, fixtures, equipment, supplies and library materials.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Otay Mesa-Nestor Livable Neighborhood/Economic Need Fund - Palm Avenue.

(Otay Mesa-Nestor Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-141) ADOPTED AS RESOLUTION R-290550

Amending the Fiscal Year 1999 CIP Budget by adding \$145,000 from the TransNet/Otay Mesa-Nestor Livable Neighborhood/Economic Need Fund (30340);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from the TransNet/Otay Mesa-Nestor Livable Neighborhood/Economic Need Fund (30304) to CIP-52-662.0, for the design and installation of Palm Avenue Improvements between I-5 and I-805;

Authorizing the expenditure of an amount not to exceed \$50,000 from CIP-52-662.0;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$95,000 from the TransNet/Otay Mesa-Nestor Livable Neighborhood/Economic Need Fund (30304) to CIP-39-225.0;

Authorizing the expenditure of an amount not to exceed \$95,000 from CIP-39-225.0, for the design and installation of Palm Avenue improvements west of I-5.

**CITY MANAGER SUPPORTING INFORMATION:**

On June 30, 1997, the City Council transferred \$1.74 million from the Gas Tax Fund (302191) and the Renaissance Commission TransNet Fund (30300) into the Livable Neighborhood/Economic Need Fund, dividing it into 12 equal portions of \$145,000 to be used in the 12 Livable Neighborhood areas. Council Districts 2 and 8, responsible for the Otay Mesa-Nestor Livable Neighborhood Area, have directed this funding be used for improvements to Palm Avenue. \$50,000 would be transferred into CIP-52-662.0, for continuing improvements to Palm Avenue between I-5 and I-805 in Council District 8. In addition, \$95,000 would be transferred into CIP-39-225.0, for designed initial improvements to Palm Avenue west of Interstate 5 in Council District 2.

Aud. Cert. 9900053.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

**SUBJECT:** Replacement of Barrier Rail on Morena Boulevard Bridge  
Over the San Diego River.

(Linda Vista and Mission Valley Community Areas.  
District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-106) ADOPTED AS RESOLUTION R-290551

Authorizing the City Manager to accept the Program Supplement No. 11-5004(122) to Local Agency-State Agreement for Federal Aid Project No. 11-5004(058), for the amount of \$417,596 for Replacement of Barrier Rail on the Morena Boulevard Bridge Over the San Diego River;

Authorizing the Auditor and Comptroller to transfer not to exceed \$417,596 from Program Supplement No. 11-5004(122) to CIP-52-519.0, Annual Allocation - Bridge Rails, TransNet Fund 30300 to CIP-52-520.1, Replacement of Barrier Rail on the Morena Boulevard Bridge Over the San Diego River;

Authorizing the expenditure of not to exceed \$471,700 from CIP-52-520.1, Replacement of Barrier Rail on the Morena Boulevard Bridge Over the San Diego River, of which \$417,596 is from Program Supplement No. 11-5004(058) and \$54,104 is from TransNet Fund 30300;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing steel railing on Morena Boulevard Bridge over the San Diego River is substandard. This project provides for the construction of a standard concrete barrier rail on the bridge and installation of guardrail where required.

Aud. Cert. 9900026.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

**SUBJECT:** First Amendment to the Agreement with Boyle Engineering Corporation for Assessment Engineering Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-134) ADOPTED AS RESOLUTION R-290552

Authorizing the execution of a first amendment to the agreement with Boyle Engineering Corporation for assessment engineering services;

Authorizing the expenditure of an amount not to exceed \$462,610 from Fund 70900, Dept. 79900, Job Order 079900, for additional assessment engineering services in order to complete the evaluation of existing City districts for compliance with Proposition 218;

Authorizing the expenditure of an amount not to exceed \$17,300 from Fund 70207, Dept. 7207, Org. 2151, Job Order 070208, for providing funds for services with Boyle Engineering for the annual 1972 Act engineer's reports for Fiscal Year 1999.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 6, 1996, the voters of the State of California passed Proposition 218, which mandated that the City meet certain requirements before levying an assessment on real property via the County Property Tax roll. City staff determined that a professional assessment engineering firm was required to comprehensively evaluate each of the City's existing LMD's for compliance. The selected assessment engineering firm would determine whether a district was exempt or nonexempt and whether a district required re-engineering to comply with the provisions of Proposition 218.

On January 14, 1998, the City entered into an agreement with Boyle Engineering Corporation to provide the assessment engineering services needed to comply with Proposition 218 requirements. Boyle assisted the City in successfully re-engineering and balloting and levying assessments for 15 of the City's nonexempt LMD's in FY 1998. Utilizing accepted professional assessment engineering standards, Boyle assistance has provided the City with assessment apportionment methodologies considered defensible and meet the burden of proof requirements imposed upon the City by Proposition 218, for all special assessment districts. This action will authorize additional funds of \$462,610 from the previous City Manager's action approval of \$250,000. The additional funds will be used to:

1. Provide assessment re-engineering services required to comply with Proposition 218 for existing LMD's districts for FY1999.
2. Additional re-engineering services required to comply with Proposition 218 for FY1998 the Calle Cristobal LMD. This district was re-balloted subsequent to a property owner majority protest in August, 1997.

3. Reimburse Boyle for ballot printing, mailing, tallying and miscellaneous community support services provided for FY1998 and FY1999 balloting requirements.
4. Provide assistance with new policy and procedure development.

This action additionally authorizes funds of \$17,300 for assessment engineering for the preparation of the annual 1972 Act engineer's reports for existing districts for FY1999.

Aud. Cert. 9801504.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115:

SUBJECT: Public Financial Management/Municipal Capital Management Contract Amendment.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-139) ADOPTED AS RESOLUTION R-290553

Authorizing a fourth amendment to the agreement with Public Financial Management, Inc./Municipal Capital Management, Inc. (PFM/MCM), for financial advisory services related to the Convention Center Expansion,

increasing the compensation to be paid to PFM/MCM under the contract in an amount not to exceed \$34,000, inclusive of fees and expenses;

Authorizing the Auditor and Comptroller to appropriate and expend an amount up to \$34,000, as may be required for the funding of the Fourth Amendment to the Agreement with Public Financial Management Inc./Municipal Capital Management Inc. for financial advisory services related to the Convention Center Expansion, with the intent that such funding may be reimbursed from future project funding sources, such as bond proceeds and Port District contributions.

**CITY MANAGER SUPPORTING INFORMATION:**

The City desires to amend the contract of Public Financial Management/Municipal Capital Management (PFM/MCM), professional financial consultants, to provide financial advisory services for the Convention Center Expansion Project. Due to litigation related to the use of lease revenue bonds to finance the project (Rider v. City of San Diego), and a referendum challenging the use of an alternative financing mechanism (Certificates of Participation [COPS]), the financing has not yet been undertaken. In the June 1998 general election, the expansion project was approved by a 62 percent majority, and the City is now moving forward with a bond issuance. To reduce financing costs, the City wants to be in a position whereby it can issue lease revenue bonds in lieu of the COPS if the Supreme Court renders a decision favorable to the City. To achieve this, the City has proceeded on a dual track in which preparations are being made for both lease revenue bonds and COPS financing. This dual track and the delay caused by the referendum were not outlined or contemplated in the previously established fee structure.

Aud. Cert. 9900063.

FILE LOCATION: MEET (62)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116:

SUBJECT: First Amendment to the Agreement with Orrick, Herrington and Sutcliffe for Bond and Disclosure Counsel Services.

(Centre City Community Area. District-2.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-140) ADOPTED AS RESOLUTION R-290554

Authorizing the execution of a first amendment to the agreement with Orrick, Herrington and Sutcliffe, for bond and disclosure counsel services related to the Convention Center Expansion, increasing the compensation to be paid to the firm under the contract by \$175,000, to a total amount not to exceed \$475,000, inclusive of fees and expenses;

Authorizing the City Auditor and Comptroller to appropriate and expend, from available funds identified by the City Auditor and Comptroller, an amount up to \$175,000, for this purpose, with the intent that the funding may be reimbursed from the future project funding sources, such as bond proceeds and Port District contributions.



**SUPPORTING INFORMATION:**

Council authorized an agreement with Orrick, Herrington and Sutcliffe on March 17, 1997, on file as document No. RR-288447. As with PFM/MCM, Orrick, Herrington has been involved in the dual track preparation for issuance of either the Bonds or the Certificates for the Convention Center Expansion project, requiring substantial additional time and incurring additional fees, necessitating this amended agreement.

Aud. Cert. 9900071.

FILE LOCATION: MEET (62)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

**SUBJECT:** Recognition of the Sorrento Hills Community Planning Board.

(Sorrento Hills Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-136) ADOPTED AS RESOLUTION R-290555

Approving the Sorrento Hills Community Planning Board bylaws, initial membership and terms;

Finding that the initial conditions have been met in accordance with Council Policy 600-24 for the Sorrento Hills Community Planning Board to receive official recognition by the City of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

This request is for City Council approval of Community Planning Committee bylaws and the appointment of initial membership as proposed by the ad hoc committee in order for the Sorrento Hills Community Planning Board to receive official recognition by the City of San Diego. The Sorrento Hills Community Planning Area is located in a developing area of the north coastal part of the City, and is bounded on the north and east by the Carmel Valley Community, on the south by Los Penasquitos Canyon and on the west by Interstate 5 and the Torrey Pines Community. A Community Planning Committee that is representative of local interests can assist the City Council, the Planning Commission and the City Manager by providing local citizen participation in the planning process as the Sorrento Hills Area develops. With the support of Councilmember Mathis and the City Manager, an ad hoc committee comprised of interested representatives from resident, development and landowner interests within the community as well as City staff drafted bylaws according to Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees). The draft bylaws provide for a Community Planning Board that is representative of diversified community interests as required by Council Policy 600-24, and the bylaws provide for the composition of the Planning Board to change over time as the community develops. The Planning Board is proposed to have 13 seats. The draft bylaws also provide for representation of interests beyond the community. The bylaws include a seat for a representative from the portion of the Carmel Valley Community south of SR-56 which is closest to Sorrento Hills. The Carmel Valley South representative to the Sorrento Hills Community Planning Board will be a seat appointed by the Carmel Valley Community Planning Board. However, this seat will only be filled if the Carmel Valley Community Planning Board creates a voting seat on its board for a representative that is appointed by the Sorrento Hills Community Planning Board. The bylaws also provide for the San Diego Gas and Electric Company, which owns a major substation in the community, to appoint a representative to the Sorrento Hills Planning Board. Although the method of filling these seats varies somewhat from the provisions of Council Policy 600-24, which specifies that Community Planning Committee members be elected by eligible

members from the community, the Council has previously recognized Community Planning Committees with some appointed members. This has been done to achieve the primary goal of Council Policy 600-24, that Community Planning Committee membership be as representative of community demographics and property owner/resident interests as possible.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-118:

**SUBJECT:** Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-75) ADOPTED AS RESOLUTION R-290556

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: E620-640.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

\* ITEM-119:

**SUBJECT:** Harbor Drive (Fifth Avenue to approximately 2,150 Feet  
North of Sigsbee Street) Underground Utility District.

(Barrio Logan/Harbor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-50) ADOPTED AS RESOLUTION R-290557

Authorizing the change of district name from Harbor Drive (Fifth Avenue to 1,000 feet north of Sigsbee Street) to Harbor Drive (Fifth Avenue to approximately 2,150 feet north of Sigsbee Street) Underground Utility District;

Authorizing the district boundaries be reduced to reflect the new legal description;

Designating September 21, 1998 as the date upon which all properties in the Harbor Drive (Fifth Avenue to approximately 2,150 feet north of Sigsbee Street) Underground Utility District must be ready to receive underground service and November 13, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78104 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds for the Harbor Drive (Fifth Avenue to approximately 2,150 feet north of Sigsbee Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within the Harbor Drive (Fifth Avenue to approximately 2,150 feet north of Sigsbee Street) Underground Utility District have been completed.

**CITY MANAGER SUPPORTING INFORMATION:**

The Harbor Drive (Fifth Avenue to 1,000 feet north of Sigsbee Street) Underground Utility District was created by the City Council on January 20, 1987. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. Subsequently, City staff learned that certain property within the Harbor Drive (Fifth Avenue to 1,000 feet south of Sigsbee Street) Underground Utility District, under the control of the San Diego Port District, contains contaminated soil. Contaminated soil requires special handling and procedures. To avoid further delay in converting the remainder of the District to underground utility services, this action will remove property with contaminated soil from the District boundaries, and rename the Harbor Drive (Fifth Avenue to 1,000 feet north of Sigsbee Street) Underground Utility District. This action will set September 21, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish November 13, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion

of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT-K-257

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120:

SUBJECT: State Street (Ash Street to Juniper Avenue) Underground Utility District.

(Centre City and Uptown Community Areas.  
Districts-2 & 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-49) ADOPTED AS RESOLUTION R-290558

Designating September 21, 1998 as the date upon which all properties within the State Street (Ash Street to Juniper Avenue) Underground Utility District must be ready to receive underground service and November 20, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78103 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing reimbursement payments to all qualified property owners in the subject underground utility district as reimbursement for electrical service underground conversion work done on private property from Case 8209 Funds deposited by SDG&E with the City Treasurer for this purpose;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electric service conversions within this district have been completed;

Authorizing the expenditure of \$3,000 from CIP-37-295.5, TransNet Fund No. 30300, for the purpose of replacing existing street lights, contingent upon the adoption of the Fiscal Year 1999 Budget.

**CITY MANAGER SUPPORTING INFORMATION:**

The State Street (Ash Street to Juniper Avenue) Underground Utility District was created by the City Council on January 20, 1998. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set September 21, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish November 20, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council

Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

Aud. Cert. 9900043.

FILE LOCATION: STRT-K-244

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121:

SUBJECT: CCDC Area 2 Phase I (9th Avenue to 10th Avenue and Ash Street to 'A' Street) (10th Avenue to 17th Street and 'C' Street to 'F' Street) Underground Utility District.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-58) ADOPTED AS RESOLUTION R-290559

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the CCDC Area 2 Phase I (9th Avenue to 10th Avenue and Ash Street to 'A' Street) (10th Avenue



to 17th Street and 'C' Street to 'F' Street)  
Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the CCDC Area 2 Phase I (9th Avenue to 10th Avenue and Ash Street to 'A' Street) (10th Avenue to 17th Street and 'C' Street to 'F' Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

FILE LOCATION: STRT-K-252

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122:

**SUBJECT:** CCDC Area 2 Phase II (12th Avenue to 17th Street and Market Street to 'K' Street) Underground Utility District.

(Centre City Community Area. Districts-2 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-66) ADOPTED AS RESOLUTION R-290560

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the CCDC Area 2 Phase II (12th Avenue to 17th Street and Market Street to 'K' Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the CCDC Area 2 Phase II (12th Avenue to 17th Street and Market Street to 'K' Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

FILE LOCATION: STRT-K-253

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123:

**SUBJECT:** Fairmount Avenue (Talmadge Canyon Road to Camino Del Rio South) Underground Utility District.

(Mid-City Community Area. Districts-3 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-60) ADOPTED AS RESOLUTION R-290561

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Fairmount Avenue (Talmadge Canyon Road to Camino Del Rio South) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the Fairmount Avenue (Talmadge Canyon Road to Camino Del Rio South) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover

the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-249

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124:

SUBJECT: Foothill Boulevard (Fanuel Street to Ingraham Street)  
Underground Utility District.

(Pacific Beach Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-51) ADOPTED AS RESOLUTION R-290562

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Foothill Boulevard (Fanuel Street to Ingraham Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the Foothill Boulevard (Fanuel Street to Ingraham Street) Underground Utility District. The formation of this district will require the

affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

FILE LOCATION: STRT-K-251

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-125:

SUBJECT: Goldfinch Street (Washington Street to Lewis Street)  
Underground Utility District.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-54) ADOPTED AS RESOLUTION R-290563

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Goldfinch Street (Washington Street to Lewis Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the Goldfinch Street (Washington Street to Lewis Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-255

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-126:

**SUBJECT:** Morena Boulevard (Napier Street to Ariane Drive)  
Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-63) ADOPTED AS RESOLUTION R-290564

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Morena Boulevard(Napier Street to Ariane Drive) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will underground the overhead utility facilities in the Morena Boulevard (Napier Street to Ariane Drive) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-256

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-127:

**SUBJECT:** Montezuma Road (Fairmount Avenue to Collwood Boulevard)  
Underground Utility District.

(Mid-City Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-69) ADOPTED AS RESOLUTION R-290565

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Montezuma Road (Fairmount Avenue to Collwood Boulevard) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the Montezuma Road (Fairmount Avenue to Collwood Boulevard) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

**FILE LOCATION:** STRT-K-248



COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-128:

SUBJECT: Voltaire Street (Ebers Street to Bacon Street) and Bacon Street (Voltaire Street to West Point Loma Boulevard) Underground Utility District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-72) ADOPTED AS RESOLUTION R-290566

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Voltaire Street (Ebers Street to Bacon Street) and Bacon Street (Voltaire Street to West Point Loma Boulevard) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will

underground the overhead utility facilities in the Voltaire Street (Ebers Street to Bacon Street) and Bacon Street (Voltaire Street to West Point Loma Boulevard) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

FILE LOCATION: STRT-K-254

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-129:

SUBJECT: 47th Street (Fairmount Avenue to "A" Street) and "A" Street (47th Street to Federal Boulevard) Underground Utility Districts.

(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-99) ADOPTED AS RESOLUTION R-290567

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the 47th Street (Fairmount Avenue to "A" Street) and "A" Street (47th Street to Federal Boulevard) Underground Utility Districts.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the 47th Street (Fairmount Avenue to "A" Street) and "A" Street (47th Street to Federal Boulevard) Underground Utility Districts. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-250

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-130:

**SUBJECT:** Reappointment to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Golding dated 7/23/98.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-157) ADOPTED AS RESOLUTION R-290568

Council confirmation of the reappointment by the Mayor of Christine M. Frahm, to serve as a member of the San Diego County Water Authority Board of Directors, for a term ending July 15, 2004.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-131:

**SUBJECT:** Southwest Neighborhood Park Expansion - Property Acquisition.

(Otay Mesa/Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-164) ADOPTED AS RESOLUTION R-290569

Authorizing the Auditor and Comptroller to appropriate and expend an amount not to exceed \$200,000 from the Open Space Acquisition Fund No. 30252, Acct. 9544, for the acquisition of property rights to allow for the expansion of Southwest Neighborhood Park.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Progress Guide and General Plan, Recreation Element, requires a neighborhood park, when not adjacent to an elementary school, to be 10 useable acres in size, and to serve a population of 3,500 to 5,000 persons. The Southwest Neighborhood Park, adjacent to the proposed acquisition parcel, is presently 10 acres in size. However, due to the existing topography, only six acres is considered useable, to serve the 3,930 residents of the community. The proposed acquisition would allow this park site to be increased to eight useable acres. The acquisition of the subject property, required for the expansion of the existing park, was reviewed and approved by the Southern Area Committee, a subcommittee of the Park and Recreation Board. The proposed acquisition would provide the additional useable neighborhood park acreage required to satisfy the population-based standards for park and recreation facilities, as outlined in the Municipal Code, as well as the Progress Guide and General Plan.

Aud. Cert. 9900085.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-132:

**SUBJECT:** Awarding a Contract to Ortiz Corporation for Miramar Trunk Sewer - Phase I.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-3) ADOPTED AS RESOLUTION R-290570

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for Miramar Trunk Sewer - Phase I on Work Order No. 174921;

Accepting the bid of \$1,123,921 and executing a contract with Ortiz Corporation (San Diego, CA), for Miramar Trunk Sewer - Phase I;

Authorizing the Auditor and Comptroller to transfer not to exceed \$1,000,000 from Annual Allocation - Trunk Sewer Rehabilitation, CIP-46-194.0 to Miramar Trunk Sewer - Phase I, CIP-46-194.9, and not to exceed \$691,421 from Annual Allocation - Emergency Construction, CIP-46-206.0, to Miramar Trunk Sewer - Phase I, CIP-46-194.9;

Authorizing the expenditure of \$1,716,421 of which \$1,123,921 is for construction, \$270,000 is for contingencies and \$322,500 is for related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K99003)

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Miramar Trunk Sewer (MTS) was constructed in 1957. It serves a portion of the Mira Mesa Community and the Marine Corps Air Station Miramar. Its alignment runs east-west within

Rose Creek. During the past winter's heavy rainfall, the MTS in the vicinity of Rose Canyon and I-805, experienced a series of sewer overflows. The spills were caused by flood damage and heavy infiltration occurring on the Miramar Air Station's sewer lines as well as portions of the sewer main within the City's jurisdiction. The City took interim measures by installing a temporary bypass pumping system to eliminate the overflows. On March 16, 1998, the Regional Water Quality Control Board issued the City a Cleanup and Abatement Order (No. 98-28) to permanently remedy sewer overflows in MTS. The order directs the City to complete construction for the MTS relief line and MTS rehabilitation by November 24, 1998. City staff has developed a design to reconstruct and rehabilitate the subject trunk sewer prior to next winter's rainy season, and in compliance with the Cleanup and Abatement Order. The Marine Air Station is also taking corrective measures to assure that its excessive infiltration and inflow is corrected. Due to the emergency nature of this situation, proposals were solicited from 10 contractors. The lowest bid from Ortiz Corp. in the amount of \$1,123,921 is being recommended by staff for the project, as construction should proceed immediately to eliminate the potential for further sewer spills from this line into Rose Creek and Mission Bay. The scope of work shall include the installation of 1,600 linear feet (LF) of new 30-inch diameter pipe, rehabilitation of 6,000 LF existing 15-inch diameter pipe, and environmental mitigation of the disturbed areas. This action will provide the necessary funds, and authorizes the award of the contract for construction of MTS.

Aud. Cert. 9900087.

WWF-99-346.

FILE LOCATION: CONT-Ortiz Corporation (San Diego, CA)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-133:

**SUBJECT:** San Diego Exposition 2000 - A Millennium Celebration in  
Balboa Park Year.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-159) ADOPTED AS RESOLUTION R-290571

Proclaiming the San Diego Exposition 2000 - A  
Millennium Celebration in Balboa Park to be the premier  
millennium celebration in the City of San Diego;

Recognizing the year of 1999 as "San Diego Exposition  
2000 - A Millennium Celebration in Balboa Park Year" in  
San Diego.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed  
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-200: REFERRED TO RULES COMMITTEE

**SUBJECT:** Three actions related to Protest of the San Diego  
Taxpayers Association and Water Department Schedule of  
Fees and Charges.

(See City Manager Report CMR-98-149.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A and B;  
introduce the ordinance in Subitem C:



Subitem-A: (R-98-377 Cor. Copy 1 & 2)

Denying the appeal of the San Diego Taxpayer's Association protesting City Manager approval authority to raise water service fees;

Authorizing the City Manager to continue to approve modifications to designated portions of the Water Department Schedule of Fees & Charges.

**CITY MANAGER SUPPORTING INFORMATION:**

Council Policy 100-5 states that any fees approved at the discretion of the City Manager may be appealed to the City Council. The City Manager is proposing changes in the Water Department Schedule of Fees and Charges in order to fully recover the costs associated with services provided. The vast majority of these fees have not been increased since 1979. (Council last approved backflow maintenance and repair fee changes in 1990, effective 1994.) As required by Council policy, a 30 day notification was sent to 350 construction industry and other interested parties in advance of the changes in fees first proposed in February of 1997. The San Diego Taxpayers Association filed an appeal on these fees and charges. The Natural Resources and Culture Committee heard this appeal on April 16, 1997. Since that time, action has been delayed to allow the Department to further analyze these fees and charges for their long-term impact on General Fund Departments and to evaluate the current level of authority required for fee modifications for consistency with State law. The Water Department has, in the past, charged fees to third parties for services provided. These charges are divided into fees that may be approved by the City Manager and fees that may only be approved by the City Council. Currently, the City Manager may approve fees for the following services: taps into water mains, construction connections, new service and meter connections, construction meters, irrigation services and meters, fire hydrants, cut-and-plug water mains, combination backflow services and devices, water and sewer map products, and reduce and/or move water meters. It is the policy of the City to authorize the City Manager to approve fee schedules whenever possible.

These policies are specified in Administrative Regulation 95.25. Council Resolution No. R-217109, dated November 10, 1976, shows specific fees that are set by Council. These fees are for backflow prevention devices, meter installations, replacement of lost meters, and a schedule of credits allowed for an increase in size of water meters. Resolution No. R-217109 further states that in all cases when other non-specified services are requested, then the fees for these services will be based upon an estimate made by the Water Department. Modification in the levels of authority required for changes in the Water Department fee schedule is being requested in separate accompanying Request for Council Action.

Subitem-B: (R-98-379 Cor. Copy 1,2 & 3)

Authorizing the changes to the Water Department  
Schedule of Fees and Charges.

**CITY MANAGER SUPPORTING INFORMATION :**

The Water Department has, in the past, charged fees to third parties for services provided. The vast majority of these fees have not been increased since 1979. (Council last approved backflow maintenance and repair fee changes in 1990, effective 1994.) An in-depth analysis has been performed and it has been determined that current fees do not recover the actual cost of providing these services. As a result, we are requesting authorization to modify these fees as outlined in the Water Department Schedule of Fees and Charges. The fee schedule includes those that currently may only be modified by the City Council and those which may be modified at the discretion of the City Manager. Pursuant to Council Policy 100-5, the San Diego Taxpayers Association filed an appeal on these fees and charges. The Natural Resources and Culture Committee heard this appeal on April 16, 1997. Since that time, action has been delayed to allow the Department to evaluate the current level of authority required for fee modifications for consistency with State law, and to further analyze these fees and charges for their long-term impact on General Fund Departments. These impacts are identified below. This fee schedule will be filed in the Rate Book of City Fees and Charges in the City Clerk's Office. These fees will be implemented immediately upon approval of Council.

Subitem-C: (O-98-32 Cor. Copy)

Introduction of an Ordinance amending Chapter VI,  
Article 7, of the San Diego Municipal Code by amending  
Section 67.05 relating to the Water Department,  
Operations Division, Fees and Charges.

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department has, in the past, charged fees to third parties for services provided. As detailed in Council Resolutions R-217109, R-276368 and Administrative Regulation 95.25, these service fees are divided into those that may be modified at the discretion of the City Manager and those which may only be modified by the City Council. Pursuant to State law, which requires that the City Council approve modifications to water connection fees, and consistent with the Council policy of authorizing the City Manager to approve fee schedules whenever possible, we are requesting modification in the current levels of authority required in order to delegate modification of all fees other than water connection fees to the City Manager. The fee types along with the current and proposed levels of authority required for modification are outlined in the Summary of Proposed Changes in Fee Authority. It is also requested that the San Diego Municipal Code, Section 67.05 be amended to delegate modification of all fees other than water connection fees to the City Manager, with prior notification of City Council, and subject to public notification and appeal to City Council as stipulated in Administrative Regulation 92.25.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: B432-C150.)

Hearing began at 3:27 p.m. and halted at 3:49 p.m.

Testimony in opposition by Scott Barnett and Jerry Livingston.

MOTION BY McCARTY TO REFER THIS ITEM TO THE RULES COMMITTEE  
AND DIRECT STAFF TO COME TO THE RULES COMMITTEE WITH A

PHASING IN PROPOSAL AS REQUESTED BY MAYOR GOLDING. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

**SUBJECT:** Vacating a portion of Wexford Street in Conjunction with the Development of Ivy Hill II at Scripps Ranch North (PRD-96-7915).

(Miramar Ranch North Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-98-132) ADOPTED AS RESOLUTION R-290572

Vacating a portion of Wexford Street in connection with PRD-96-7915, under the procedure for the summary vacation of streets;

Reserving and excepting from the vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;

Declaring that the easements reserved herein are in, under, over, upon, along and across a portion of Wexford Street;

Declaring that this resolution shall not become effective unless and until either the B-sheet drawing or the parcel map for the vacation has been approved by the City Engineer; if not approved within three years from the date of approval of this resolution, then this resolution shall become void and be of no further force or effect;

Directing the City Engineer to advise the City Clerk of the completion of the conditions stated within this resolution.

**CITY MANAGER SUPPORTING INFORMATION:**

The developer of Ivy Hill II at Scripps Ranch North (PRD-96-7915) has requested the proposed street vacation to unencumber the land and facilitate future development of the property. The vacation action has been approved in concept as part of the development permit. The area of Wexford Street to be vacated is excess cul-de-sac and is located in the R-1500 zone. The area to be vacated was granted to the City at no cost. Staff review of the street vacation indicates that the four required findings for abandonment can be made and it can be summarily vacated.

**FINDINGS:**

1. There is no present or prospective use for the portion of Wexford Street petitioned for vacation for the purpose for which it was originally acquired or for any other use of a like nature.
2. The public will benefit from the vacation through improved utilization of the land.
3. The vacations are consistent with the approved Community Plan.
4. The street system for which the right-of-way was originally acquired will not be detrimentally affected by these vacations.

FILE LOCATION: STRT-J-2888

COUNCIL ACTION: (Tape location: B202-425.)

Hearing began at 3:10 p.m. and halted at 3:26 p.m.

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: RETURNED TO CITY MANAGER

**SUBJECT:** Real Property Transaction - Conference with Real Property Negotiator - Property Located at Brown Field Airport - Otay Mesa.

In the matter of directing the City Manager to consider extending the existing Memorandum of Understanding (MOU) with Brown Field Aviation Park, LLC (BFAP), for the exclusive rights to develop Brown Field Airport.

Prior to Council discussion in Closed Session, and in compliance with the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony.

**TODAY'S ACTION IS:**

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on August 4, 1998.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW, AS REQUESTED BY THE CITY MANAGER. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Fiscal Year 1999-2003 Animal Control Contract.

(See City Manager Report CMR-98-154.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1602) ADOPTED AS RESOLUTION R-290573

Authorizing an agreement with the County Department of Animal Control (DAC), for animal control services, for the period of July 1, 1998 through June 30, 2003;

Authorizing the expenditure of an amount not to exceed \$2,227,603 from General Fund Citywide Program - Animal Regulation Services, to be adjusted for actual expenditures and revenues after the close of Fiscal Year 1999 but not to exceed fixed gross costs of \$3,629,839 less actual net revenue (estimated at \$1,402,232).

Aud. Cert. 9900012.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C154-472.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION. IN SIX MONTHS OR AS SOON AS THE COSTS ARE KNOWN, COME BACK TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE FOR A FINAL DECISION ON THE DISPOSITION OF ANY EXCESS BUDGETED FUNDS TO BE MADE. ALSO, AS REQUESTED BY COUNCIL MEMBER KEHOE, THE ANIMAL CONTROL CONTRACT IS TO COME BACK FOR PUBLIC REVIEW ONE YEAR PRIOR TO THE RENEWAL OF THE FIVE YEAR CONTRACT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

**SUBJECT:** "6-6" Extended School Day Program Agreement.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-145) ADOPTED AS RESOLUTION R-290574

Authorizing agreement(s) with provider(s) for operating the "6-6" Extended School Day Program;

Authorizing the expenditure of not to exceed \$775,000 in Park and Recreation After School Playground Supervision Funds (\$25,000 from Coastal, Dept. 442, \$175,000 from Northern, Dept. 446, and \$575,000 from Inland, Dept. 444) for the purpose of the "6-6" Extended School Day Program agreement(s);

Authorizing the expenditure of not to exceed \$1,000,000 from the City-wide Program, Dept. 601, Org. 5150, "6-6" Program, for the purpose of the "6-6" Extended School Day Program agreement(s).

**CITY MANAGER SUPPORTING INFORMATION:**

On June 26, 1998, the Mayor and City Council approved the allocation of \$1 million of City-wide Program Funds and a match of up to \$775,000 of Park and Recreation Playground Supervision Funds to establish 31 "6-6" Extended School Day Program sites in the San Diego Unified School District. Both the City Council and San Diego Schools Board of Education approved the "6-6" Program in concept on December 9, 1997. On May 12, 1998, the School Board voted to assist in implementation as funds became available. A Request for Proposals has been distributed to over 50 potential providers for 5 page proposals which are due back on July 31, 1998. Thirty-one schools of the existing 45 sites which currently house the Park and Recreation Playground Supervision



Programs in the San Diego Unified School District, have been tentatively selected for the enhanced "6-6" Program, which will include homework assistance and academic enrichment in addition to the recreation component. This action will authorize the City Manager to enter into agreements with selected provider(s) to operate the "6-6" Program and to expend the funds.

Aud. Cert. 9900062.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C473-E499.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND GIVE THE MANAGER THE AUTHORITY TO PROCEED, WITH ACADEMICS AS A TOP PRIORITY AS PART OF THE EVALUATION. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: South Bay Water Reclamation Plant, Construction Package 3 - Process Facilities.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-127) ADOPTED AS RESOLUTION R-290575

Authorizing the expenditure of not to exceed \$6,053,163 from Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to supplement funds previously authorized by Resolution No. R-289765, to provide construction funds for the South Bay Water Reclamation Plant Project, Package 3, contingent upon Council authorization of the Fiscal Years 2000 and 2001

Appropriation Ordinance, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Accepting the bid of Kiewit Pacific in the amount of \$61,006,000, and authorizing the City Manager to execute a contract for construction of the South Bay Water Reclamation Plant, Package 3 - Process Facilities;

Revising Resolution No. R-289765, adopted on February 24, 1998, to reduce the amount authorized for Amendment 13 with Westinghouse Electric Corporation, a division of CBS Corporation, in connection with COMNET related costs at the South Bay Water Reclamation Plant, from an amount not to exceed \$9,750,000 to \$6,750,000, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The South Bay Water Reclamation Plant (SBWRP) is a seven million gallon per day wastewater treatment plant that will treat wastewater generated in the southern area of the City to tertiary treatment levels. Construction of the SBWRP is intended to avoid the need to construct parallel relief facilities for the South Metro Interceptor Sewer (SMI), reduce anticipated hydraulic loads to the Point Loma Wastewater Treatment Plant, and provide a source of reclaimed water. The SBWRP project is divided into three construction contracts. Construction Package 1 - Site Grading; Construction Package 2 - Operation and Maintenance Buildings; and Construction Package 3 - Process Facilities. Construction Package 3 was approved for advertisement on February 24, 1998 (Resolution R-289765). The bids for this contract were opened on July 1, 1998. The apparent lowest responsible bidder

is Kiewit Pacific with a bid in the amount of \$61,006,000. This bid amount is over the final design estimated amount by \$10,053,713. This higher than estimated bid amount can be attributed to three factors: 1) an increase in the unit price of concrete; 2) an increase in the scope of work to include instrumentation and control devices that were originally included in the COMNET contract; and 3) an overall change in the bidding climate due to an increase in construction activities in the Southern California region. The unit cost of concrete included in the original cost estimate was taken from the Means published unit cost for general concrete construction and was estimated to be \$390 per cubic yard. Actual costs are currently running in the range of \$600 to \$650 per cubic yard. This contract has 25,700 cu. yds. of concrete, which is equivalent to an increase of \$5.4 to \$6.6 million. To offset the higher bids, a portion of the funds (\$4,000,000) previously approved for COMNET and related costs are proposed to be transferred to construction. The City Manager recommends award of the contract to Kiewit Pacific, the lowest responsible bidder, despite a protest from Nielsen Dillingham alleging defects in Kiewit's bid. The City Manager regards the errors as inconsequential.

FILE LOCATION: CONT-Kiewit Pacific & W.O. 194283

COUNCIL ACTION: (Tape location: E502-618.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-206:

(Continued from the meeting of July 20, 1998, Item 114, at Councilmember Warden's request, to allow time for community input regarding this issue.)

SUBJECT: Removal of the Two-Hour Time Limit Parking Zone at 16685 Bernardo Center Drive.

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-98-1485)      NOTED AND FILED

Approving the removal of the two-hour time limit  
(between 6:00 a.m. and 8:00 p.m. daily) parking zone,  
on the east side of Bernardo Center Drive between  
Lomica Drive and Rancho Bernardo Town Center Drive, in  
accordance with the provisions of Council Policy  
200-04.

**CITY MANAGER SUPPORTING INFORMATION:**

This action removes the two-hour time limit parking zone on the east side of Bernardo Center Drive between Lomica Drive and Rancho Bernardo Town Center Drive. This action was petitioned by one hundred percent of the fronting property owners and their tenants. This meets the requirements of Council Policy 200-04 for the removal of the two-hour time limit parking. Council approval is required for this action. The property owners and tenants of the RB Food Court shopping center requested the removal of the two-hour time limit parking.

FILE LOCATION:              MEET

COUNCIL ACTION:            (Tape location: F002-068.)

MOTION BY WARDEN TO NOT ACCEPT THE MANAGER'S REPORT AND TO LEAVE THE PARKING METERS IN. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

**SUBJECT:**    Reorganization of Business Centers.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99- ) RETURNED TO CITY MANAGER

Supporting the proposed reorganization of Business  
Centers.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY  
MANAGER FOR FURTHER REVIEW, AS REQUESTED BY THE CITY  
MANAGER. Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S401:

**SUBJECT:** Three actions related to the Final Subdivision Map of  
California Terraces - North Phase Unit No. 2.

(A 64-lot subdivision. Otay Mesa Community Area.  
District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-174) ADOPTED AS RESOLUTION R-290576

Authorizing a Subdivision Improvement Agreement with  
Pardee Construction Company, for the installation and  
completion of public improvements.

Subitem-B: (R-99-173) ADOPTED AS RESOLUTION R-290577

Approving the final map.

Subitem-C: (R-99-176) ADOPTED AS RESOLUTION R-290578

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way of the California Terraces, North Phase Unit No. 2 subdivision.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 12.797 acre site into 64 lots for residential development. It is located southwest of Ocean View Hills Parkway in the Otay Mesa Community Plan Area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolution Nos. R-283694 and R-283695 for California Terraces Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28820-1-D through 28820-24-D, filed in the Office of the City Clerk under Micro Number 139.78. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$802,038 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan Area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: SUBITEMS A,B,C: SUBD-California  
Terraces

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS. Second by  
Warden. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S402:

SUBJECT: Four actions related to the Final Subdivision Map of  
California Terraces Unit No. 3A.

(A 22-lot subdivision. Otay Mesa Community Area.  
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1293) ADOPTED AS RESOLUTION R-290579

Authorizing a Subdivision Improvement Agreement with  
Pardee Construction Company, for the installation and  
completion of public improvements.

Subitem-B: (R-98-1292) ADOPTED AS RESOLUTION R-290580

Approving the final map.

Subitem-C: (R-98-1295) ADOPTED AS RESOLUTION R-290581

Accepting a grant deed of Pardee Construction Company,  
granting to the City Lot C of California Terraces Unit  
No. 3A, for open space purposes.

Subitem-D: (R-98-1294) ADOPTED AS RESOLUTION R-290582

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way of the California Terraces Unit No. 3A subdivision.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 12.766 acre site into 22 lots for residential development. It is located southwest of Ocean View Hills Parkway in the Otay Mesa Community Plan Area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolution Nos. R-283694 and R-283695 for California Terraces Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28738-1-D through 28738-6-D, filed in the Office of the City Clerk under Micro Number 139.70. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$418,098 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,200, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan Area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development. Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.



Lot C is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 4.156 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A,B,D: SUBD-California  
Terraces; SUBITEM C: DEED F-7300

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S403:

SUBJECT: Four actions related to Approving the Final Subdivision Map of California Terraces Unit No. 3B.

(This is a 123-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-170) ADOPTED AS RESOLUTION R-290583

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-99-169) ADOPTED AS RESOLUTION R-290584

Approving the final map.

Subitem-C: (R-99-171) ADOPTED AS RESOLUTION R-290585

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City Lot "A" of California Terraces Unit No. 3B, for open space purposes.

Subitem-D: (R-99-172) ADOPTED AS RESOLUTION R-290586

Authorizing the execution of a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 38.612 acre site into 123 lots for residential development. It is located southwest of Ocean View Hills Parkway in the Otay Mesa Community Plan area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolutions R-283694 and R-283695 for California Terraces Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28772-1-D through 28772-46-D, filed in the Office of the City Clerk under Micro Number 139.76. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$3,331,148 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$23,200, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association

and U.S. Department of Housing and Urban Development". The Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 7.607 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A,B,D: SUBD-California  
Terraces; SUBITEM C: DEED F-7301

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S404:

SUBJECT: FY 1999 California Arts Council State/Local Partnership Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-158) ADOPTED AS RESOLUTION R-290587

Authorizing the City Manager or designated representative to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$30,000 for the Fiscal Year 1998-1999 Arts and Culture Program, to support programs and services of the City of San Diego Commission for Arts and Culture;

Authorizing the City Manager or designated representative to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal Year 1998-1999, for program and administrative support of the City's Arts and Culture Program and the Neighborhood Arts Program.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to encourage local cultural planning and decision-making and to reach previously underserved constituencies. The Council of the City of San Diego (City Council), by Resolution No. R-252650, adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983. In 1984, the City Council changed this designation and identified itself as the local partner. A grant application will be submitted to the California Arts Council State/Local Partnership Program (CAC/SLPP) in the amount of \$30,000 for the Fiscal Year 1998-99 to support the administration and programs and services of the City of San Diego Commission for Arts and Culture and its Neighborhood Arts Program.

Aud. Cert. 9900073.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S405:

(Returned to the City Attorney from the meeting of July 27, 1998, Item 203, Subitem A, to be re-docketed for the meeting of August 3, 1998.)

NOTE: Ordinance O-18613 New Series was reserved specifically for its use as a reference number for Proposition C, AN ORDINANCE AUTHORIZING REDEVELOPMENT AND CONSTRUCTION OF A BALLPARK, approved by the voters of the City of San Diego on November 3, 1998.

**SUBJECT:** Calling a Special Municipal Election in the City of San Diego on November 3, 1998.

**CITY CLERK'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-98-159 Rev.1)      INTRODUCED AND ADOPTED AS ORDINANCE  
O-18559 (New Series)

**NOTE: Ordinance was Re-introduced  
and Re-adopted on August 7, 1998**

Introduction and adoption of an Ordinance calling a Municipal Election in the City of San Diego on November 3, 1998, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and consolidating the Municipal Election with the Statewide General Election to be held on the same date.

**CITY CLERK SUPPORTING INFORMATION:**

This is to request that the City Council adopt an ordinance calling the Special Municipal Election and a resolution requesting the consolidation of this election with the Statewide General Election to be held November 3, 1998. This Special Municipal Election will be held for the purpose of conducting elections for any and all propositions the Council approves for placement on that ballot. On July 27, 1998, the City Council adopted Resolution R-290502 requesting consolidation of the Municipal Election with the Statewide General Election to be held on the same day and the services of the Registrar of Voters. The estimated cost of this election, including the ballot proposals being considered by Council is \$715,000.

Aud. Cert. 9900013.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

**NOTE: IT IS ANTICIPATED THAT ITEMS S406 AND S407 WILL BE CONTINUED TO 10:00 A.M. TIME CERTAIN ON TUESDAY, AUGUST 4, 1998.**

ITEM-S406: TRAILED TO TUESDAY, AUGUST 4, 1998, AT 10:00 A.M.

**SUBJECT:** Three actions related to a Ballot Measure for the Adoption of an Ordinance Authorizing Redevelopment and Construction of a Ballpark.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-31)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition for the adoption of an ordinance authorizing redevelopment and construction of a ballpark.

Subitem-B:

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C:

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A,B,C: NONE

COUNCIL ACTION: (Tape location: B202-425, F070-110.)

CONSENT MOTION BY WEAR TO TRAIL THIS ITEM TO TUESDAY,  
AUGUST 4, 1998 AT 10:00 A.M. AS REQUESTED BY MAYOR GOLDING.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

**NOTE: IT IS ANTICIPATED THAT ITEMS S406 AND S407 WILL BE  
CONTINUED TO 10:00 A.M. TIME CERTAIN ON TUESDAY, AUGUST 4, 1998.**

ITEM-S407: TRAILED TO TUESDAY, AUGUST 4, 1998, AT 10:00 A.M.

**SUBJECT:** Three actions related to a Ballot Measure for the  
November 3, 1998 Election - Sea World Initiative to  
Amend Coastal Zone Height Restriction.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider  
Subitems B and C:

Subitem-A: (O-99-15)

Introduction and adoption of an Ordinance submitting to  
the qualified voters of the City of San Diego at the  
Municipal Election consolidated with the Statewide  
General Election to be held on November 3, 1998, one  
proposition relating to an initiative measure amending  
People's Ordinance No. O-10960 N.S., adopted on  
November 7, 1972, as amended by vote of the people on  
November 8, 1988, pertaining to the Height of Buildings  
in the Coastal Zone.

Subitem-B:

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C:

In the matter of Council direction regarding authorship of the ballot argument.

**SUPPORTING INFORMATION:**

On June 10, 1998, Sea World of California filed with the City Clerk's Office an initiative petition regarding the Coastal Zone height restriction (People's Ordinance No. O-10960 N.S.). The petition was filed within the prescribed time period of 180 days following the date of publication of a notice of intent to circulate the petition. On July 6, 1998, the Registrar of Voters completed the petition signature verification by use of a random sampling method authorized by the San Diego Municipal Code (SDMC). The petition was found to contain the valid signatures of over ten percent of the City's registered voters as required by the Charter for direct submission to the voters. People's Ordinance No. O-10960 N.S. was enacted by the voters as Proposition D on November 7, 1972, limiting the height of buildings in the Coastal Zone. The provisions of SDMC Section 27.2528 require that "(a)any initiated legislative act adopted by a majority vote of the voters may be amended or repealed only by a vote of the majority of the voters or by Charter amendment." On July 20, 1998, the City Council adopted Resolution R-290464 accepting the City Clerk's Certification of Sufficiency and directing the City Attorney to prepare the ordinance on today's docket, placing the measure on the ballot at a Special Municipal Election consolidated with the next General Statewide Election on November 3, 1998.

FILE LOCATION: SUBITEMS A,B,C: NONE

COUNCIL ACTION: (Tape location: B202-425, F070-110.)



CONSENT MOTION BY WEAR TO TRAIL THIS ITEM TO TUESDAY,  
AUGUST 4, 1998 AT 10:00 A.M. AS REQUESTED BY MAYOR GOLDING.  
Second by Warden. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S408:

(Continued from the meeting of July 27, 1998, Item 206,  
at Mayor Golding's request, due to lack of time.)

**SUBJECT:** Two actions related to a Ballot Measure Amending the  
City Charter by Adding Section 90.3 Relating to Voter  
Approval for Major Public Projects Conferring  
Significant Private Benefit.

**NOTE:** The public testimony portion of the hearing is  
closed. Testimony was taken on 7/27/98.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider  
Subitem B:

Subitem-A: (O-99-2) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18560 (New Series)

**NOTE: Ordinance was Re-introduced  
and Re-adopted on August 7, 1998**

Introduction and adoption of an Ordinance submitting to  
the qualified voters of the City of San Diego at the  
Municipal Election consolidated with the Statewide  
General Election to be held on November 3, 1998, one  
proposition amending the City Charter by adding Section  
90.3 relating to Voter Approval for Major Public  
Projects Conferring Significant Private Benefit.

Subitem-B:

In the matter of Council direction regarding authorship  
of the ballot argument.

FILE LOCATION: SUBITEMS A AND B: MEET

COUNCIL ACTION: (Tape location: F225-335.)

MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE SUBMITTING THIS MATTER TO THE VOTERS FOR ELECTION ON NOVEMBER 3, AND DIRECT THAT AUTHORSHIP OF THE BALLOT ARGUMENT BE CONVEYED TO MAYOR GOLDING. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-S409:

(Continued from the meeting of July 27, 1998, Item 208, at the City Manager's request, for further review.)

**SUBJECT:** Three actions related to a Ballot Measure Amending the City Charter by Adding Section 94.2 Relating to Design-Build Contracts.

**NOTE:** The public testimony portion of the hearing is open. No testimony taken on 7/27/98.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-8) INTRODUCED AND ADOPTED AS ORDINANCE O-18561 (New Series)

**NOTE: Ordinance was Re-introduced and Re-adopted on August 7, 1998**

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition amending the City Charter by adding Section 94.2 relating to Design-Build Contracts.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: F336-346.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE; DIRECT THE CITY ATTORNEY TO DRAFT AN IMPARTIAL ANALYSIS; AND DIRECT MAYOR GOLDING TO DEVELOP THE BALLOT ARGUMENT IN FAVOR. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S410:

(Continued from the meeting of July 27, 1998, Item 209, at the City Manager's request, for further review.)

**SUBJECT:** Three actions related to a Ballot Measure Amending the City Charter by Adding Section 94.1 Relating to Job Order Contracts.

**NOTE:** The public testimony portion of the hearing is open. No testimony taken on 7/27/98.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-7) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18562 (New Series)

**NOTE: Ordinance was Re-introduced  
and Re-adopted on August 7, 1998**

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition amending the City Charter by adding Section 94.1 relating to Job Order Contracts.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: F347-369.)

MOTION BY STALLINGS TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE; DIRECT THE CITY ATTORNEY TO DRAFT AN IMPARTIAL ANALYSIS; AND DIRECT MAYOR GOLDING TO DEVELOP THE BALLOT ARGUMENT IN FAVOR. Second by Wear. Passed by the following vote: Mathis-Wear, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S411: REFERRED TO THE SELECT COMMITTEE

(Continued from the meeting of July 27, 1998, Item 207, at Mayor Golding's request, due to lack of time.)

**SUBJECT:** Three actions related to a Ballot Measure to Present to the Voters a Charter Amendment Creating a Strategic Planner/Budget Analyst Position.

**NOTE:** The public testimony portion of the hearing is closed. Testimony was taken on 7/27/98.

**MAYOR GOLDING'S RECOMMENDATION:**

Introduce and adopt the ordinance in Subitem A; consider Subitems B and C:

Subitem-A:

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition amending the City Charter by adding Section 34 relating to Strategic Planner/Budget Analyst.

Subitem-B:

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C:

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: F110-224.)

MOTION BY WEAR TO REFER THIS ITEM TO THE SELECT COMMITTEE FOR RECONSIDERATION AND CLARIFICATION OF THE ROLES AND RESPONSIBILITIES, AND DEVELOPMENT OF THE IDEA OF WHY THIS POSITION IS NEEDED. AFTER THE SELECT COMMITTEE HAS HAD AN OPPORTUNITY TO DEVELOP THIS MORE FULLY, THIS ITEM SHOULD GO TO THE RULES COMMITTEE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S412:

(Continued from the meeting of July 27, 1998, Item 210, at the City Manager's request, for further review.)

**SUBJECT:** Three actions related to a Ballot Measure Amending City

Charter Section 94 Relating to Surety Bonds for Public Works Contracts.

**NOTE:** Hearing open. No testimony taken on 7/27/98.

**TODAY'S ACTIONS ARE:**

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-18) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18563 (New Series)

**NOTE:** Ordinance was Re-introduced  
and Re-adopted on August 7, 1998

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition amending the City Charter by amending Section 94 relating to Surety Bonds for Public Works Contracts.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

**FILE LOCATION:** SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: F370-387.)

MOTION BY WARDEN TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE; DIRECT THE CITY ATTORNEY TO DRAFT AN IMPARTIAL ANALYSIS; AND DIRECT MAYOR GOLDING TO DEVELOP THE BALLOT ARGUMENT IN FAVOR. Second by Stallings. Passed by the following vote: Mathis-Wear, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S413:

(Continued from the meeting of July 27, 1998, Item 211, at Mayor Golding's request, due to lack of time.)

SUBJECT: Three actions related to a Ballot Measure Amending the City Charter by Adding Section 94.3 Relating to Bond Reimbursement Program.

NOTE: The public testimony portion of the hearing is open. No testimony taken on 7/27/98.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-19) INTRODUCED AND ADOPTED AS ORDINANCE O-18564 (New Series)

**NOTE: Ordinance was Re-introduced and Re-adopted on August 7, 1998**

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition amending the City Charter by adding Section 94.3 relating to Bond Reimbursement Program.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: F370-387.)

MOTION BY WARDEN TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE; DIRECT THE CITY ATTORNEY TO DRAFT AN IMPARTIAL ANALYSIS; AND DIRECT MAYOR GOLDING TO DEVELOP THE BALLOT ARGUMENT IN FAVOR. Second by Stallings. Passed by the following vote: Mathis-Wear, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S414:

SUBJECT: Amending the Fourth Council District's FY99 CDBG Allocations.

(District-4.)

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-184) ADOPTED AS RESOLUTION R-290588

Approving the FY99 Community Development Block Grant amended recommendations of the Fourth Council District, as contained in a memorandum from Councilmember George Stevens to City Manager Michael T. Uberuaga, dated June 23, 1998;



Amending the FY99 Community Development Block Grant Action Plan and Budget to include those projects and amounts stated in the June 23, 1998 memorandum;

Authorizing the City Manager to negotiate and execute agreements with all programs included in the amended recommendations.

**CITY MANAGER SUPPORTING INFORMATION:**

On May 11, 1998 the City Council approved the budget for the FY99 Community Development Block Grant Program. This budget consists of the allocations for each of the Council Districts and City-Wide. This budget is approved by the entire Council. Council District Four wishes to amend its original allocations as indicated in a June 23, 1998 memorandum to the City Manager and thus amending the FY99 Community Development Block Grant budget. Approval of this action will accomplish both amendments.

Aud. Cert. 9900097.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S415:

**SUBJECT:** Central Area Police Substation and Community Service Center.

(Logan Heights Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-183 Cor. Copy)            ADOPTED AS RESOLUTION R-290589

Approving the final cost and schedule for the Central Area Police Substation and the Community Service Center, reflecting a Guaranteed Maximum Price (GMP) in the amount of \$6,520,000;

Authorizing the City Manager to approve the plans and specifications for the Central Area Police Substation;

Authorizing CityLink Investment Corporation (CIC) to proceed with Phase II of the Agreement - Construction, with the exception of the parking garage, subject to the approval of the plans and specifications;

Authorizing the expenditure of not to exceed \$3,668,038 from CIP-36-056.0, Central Area Police Substation and Community Service Center, TOT Fund No. 102244, for Phase II - Construction, subject to the approval of the plans and specifications;

Authorizing the City Manager or designee to accept and expend HUD Section 108 Loan proceeds in the amount of \$3,600,000 from CIP-36-056.0, Central Area Police Substation and Community Service Center, Fund No. 18516, for the construction of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project provides for construction of a new 23,500 square foot Central Area Police Substation and a new 1,500 square foot Community Service Center located at 25th and Imperial. The proposed Substation will serve the Central Area, including Logan Heights, Barrio Logan, Sherman Heights, Golden Hill, Grant Hill and nearby areas. This action guarantees the maximum project cost and schedule for the Central Area Police Substation and Community Service Center and provides for the acquisition of the Arrow Market property.

Aud. Cert. 9900091.

FILE LOCATION: LEAS-CityLink Investment Corporation  
(CIC)

COUNCIL ACTION: (Tape location: B202-425.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed  
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:17 p.m.  
in honor of the memory of Earl "Duke" Peasley as  
requested by Council Member Warden.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H048-068).